

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #11	CCRB Case #: 201908098	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/09/2019 2:45 PM	Location of Incident: the 43rd Precinct stationhouse	Precinct: 43	18 Mo. SOL 3/9/2021	EO SOL 10/24/2021	
Date/Time CV Reported Mon, 09/09/2019 4:43 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/13/2019 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Charesse Davis	15982	927864	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Odwyer	18223	922905	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Charesse Davis	Abuse: Police Officer Charesse Davis threatened to arrest § 87(2)(b)	

Case Summary

On September 9, 2019, § 87(2)(b) filed this complaint over the phone with IAB, reflected in IAB log number 19-34085, garnered from original IAB log number 19-33827. On January 10, 2020, this case was reassigned from Inv. Benjamin Shelton to the undersigned investigator § 87(2)(g).

On September 9, 2019, at approximately 6:30 a.m., § 87(2)(b) called 911 to report her vehicle as stolen. Two unidentified 44th Precinct officers responded and informed § 87(2)(b) that the vehicle had been involved in an accident and was towed by the 43rd Precinct.

At approximately 7:25 a.m., § 87(2)(b) arrived at the 43rd Precinct stationhouse in the Bronx. She was directed to the towing company where her car had been brought. At approximately 10:30 a.m., she returned to the stationhouse and spoke with Police Officer Charesse Davis, who, after some discussion, told § 87(2)(b) that she could not report her vehicle as stolen. PO Davis allegedly stated that if § 87(2)(b) did fill out a report, she would arrest her (**Allegation A: Abuse of Authority**, § 87(2)(g)).

No arrests were made and no summonses were issued during this incident.

The investigation obtained stationhouse footage from the 43rd Precinct for this incident (BR 01-02).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Charesse Davis threatened to arrest

§ 87(2)(b)

§ 87(2)(b) testified that at 6:30 a.m. on September 9, 2019, she went to the place where she had last parked her vehicle, a black 2015 Infiniti Q50 with New York license plate § 87(2)(b), and noticed that it was missing, so she called 911 to report the vehicle as stolen (BR 03). § 87(2)(b) did not testify that she had previously given anyone permission to drive her car. Two unidentified 44th Precinct officers responded and informed § 87(2)(b) that the vehicle had been involved in an accident and was towed by the 43rd Precinct, and advised her to contact the 43rd Precinct.

At approximately 7:25 a.m., § 87(2)(b) arrived at the 43rd Precinct stationhouse, where an unidentified officer provided her with an accident report and an incident information slip. § 87(2)(b) asked to report the car as stolen, but the officer said that a theft report could not be completed at that time. § 87(2)(b) then went to Universe Towing, located at 1825 Givan Avenue in the Bronx, where she observed that the rear of her vehicle was completely wrecked and that there was damage on all sides of it. For her insurance, she had to report the vehicle as stolen, so she returned to the 43rd Precinct stationhouse at 10:30 a.m. to try again to file a criminal report. She then spoke to PO Davis, who told her that she could not file a report. After some discussion, PO Davis allegedly stated, “you can fill out a report but if you do, I will have you arrested as soon as you leave the Precinct.”

PO Davis did not dispute that she threatened to arrest § 87(2)(b) (BR 04). She stated that she had spoken with an officer from the previous tour who informed her that § 87(2)(b)'s vehicle had been involved in an accident hours earlier and had been picked up by officers and impounded. PO Davis showed § 87(2)(b) the section on a blank “Lost or Stolen Property” report that stated that knowingly making a false report was a crime. She advised § 87(2)(b) that if she completed the paperwork asserting her vehicle had been stolen, she would be making a false report. PO Davis explained to the investigation that the sole reason she told § 87(2)(b) she would be arrested if she filled out the paperwork was because § 87(2)(b) had told her that she had given her boyfriend permission to drive the vehicle. Therefore, the vehicle was in her boyfriend's custody upon permission from and the authority of § 87(2)(b) at the time of the accident, and thus could not be

considered stolen. PO Davis was certain that, based on the information she had at the time, that § 87(2)(b)'s vehicle was not stolen and that if § 87(2)(b) had signed the report at that time, she would have had no choice but to arrest her.

PO Sean O'Dwyer, who was at the stationhouse during the incident, stated that he believed that § 87(2)(b) could not report her vehicle as stolen because it had been vouchered as "Investigatory" and therefore could not be reported as stolen until an investigation had occurred (BR 05).

On October 4, 2019, a request for Property Vouchers by § 87(2)(b)'s name, date of birth, and license plate number returned negative results (BR 06). According to Police Accident Report number § 87(2)(b), as well as § 87(2)(b)'s testimony, § 87(2)(b)'s vehicle was towed by Universe Towing Inc., a commercial towing service located in the Bronx (BR 07).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been party (BR 08).
- PO Davis has been a member of service for 18 years and has been subject of four other allegations in three other CCRB complaints with one substantiation (see officer history).

§ 87(2)(g)

- CCRB Case #200913984 involved a substantiated stop allegation. The CCRB recommended charges, and the NYPD imposed Command Discipline B.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On November 22, 2019, the Office of the New York City Comptroller indicated that no Notices of Claim had been filed regarding this incident (BR 09)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

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